

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NAOMI SUE WHITE EAGLE,

Plaintiff,

v.

J MICHAELIS, et al.,

Defendants.

CASE NO. C22-5410 BHS-TLF

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa Fricke's Report and Recommendation (R&R), Dkt. 30, recommending the Court deny pro so prisoner plaintiff Naomi Sue White Eagle's motion for a preliminary injunction, Dkt. 19. It also recommends that the Court strike White Eagle's "supplemental motion/additional grounds," Dkt. 17, as improper. White Eagle's motion seeking a mandatory preliminary injunction asks the Court to order defendants to provide her sexual reassignment surgery (SRS). The R&R concludes that White Eagle's complaint in this matter did not seek such relief, and that White Eagle did not take advantage of the opportunity to clarify whether Dkt. 17 was an effort to amend her complaint, and instructing her to note it as a motion to

1 do so. *See* Dkts. 24 and 29. White Eagle has not responded to the Magistrate Judge's
2 Order, and she has not objected to the R&R.

3 A district court "shall make a de novo determination of those portions of the report
4 or specified proposed finding or recommendations *to which objection is made.*" 28
5 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). "The statute
6 makes it clear that the district judge must review the magistrate judge's findings and
7 recommendations de novo *if objection is made*, but not otherwise." *United States v.*
8 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
9 "specific written objections to the proposed findings and recommendations" in the R&R.
10 Fed. R. Civ. P. 72(b)(2).

11 The R&R is **ADOPTED**, and White Eagle's motion for a mandatory preliminary
12 injunction, Dkt. 19, is **DENIED**. Her filing at Dkt. 17 is **STRICKEN**. Defendants'
13 motion for summary judgment, Dkt. 25, is **REFERRED** to Magistrate Judge Fricke.

14 **IT IS SO ORDERED.**

15 Dated this 27th day of October, 2023.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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